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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,080	07/31/2000	Richard N. Burrige	SUN-P4677	4961

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,080

Applicant(s)

BURRIDGE ET AL.

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,23,26-32 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,23,26-32 and 35-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response the amendment filed September 25th, 2003.
2. Claims 1-7, 23, 26-32, 35, and 36 remain rejected under 35 U.S.C. 103(a). New Claims 37-42 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, 23, 26, 30-32, 35-36, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (U.S. Patent Number 6,536,035) in view of "JDK 1.2 Roadmap: All Things New with JDK" by Monica Pawlan, March 1998 (hereinafter Pawlan).

In regard to Claim 1, Hawkins teaches: (a) executing a main program unit a first time (Column 8, lines 5-6); (b) creating at least one library file containing application program files loaded during first execution of the main program unit. Hawkins teaches analyzing, tracing, and archiving application classes in a library file (Column 8, lines 5-12). (c) executing said main program unit a second time using at lease one library file for dynamically loaded program files. Hawkins teaches executing the application on a client, and using the library files dynamically (Column 3, lines 4-7). Hawkins does not teach specifying a system program input. Pawlan, however, does teach the Java Development Kit includes libraries of system program files used in the development of Java programs, where the libraries are specified as being used in an

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application program, hence inputting the libraries into the application. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to execute a main program unit a first time and create a library file containing application program files loaded during first execution of the main program unit and executing said main program unit a second time using at least one library file for dynamically loaded program files, as taught by Hawkins, where a system program file input is specified and used for application building, as taught by Pawlan, since a system file input allows system file libraries to be accessed, allowing the application to add features specified in the system file libraries. Claims 23 and 26 correspond with Claim 1 and are rejected for the same reasons as Claim 1, wherein Hawkins also teaches an apparatus for carrying out said method discussed above (Column 6, lines 50-59).

In regard to Claim 5, Hawkins teaches that the program files are class files and archive files (Column 3, lines 9-26). Claims 30, 31, and 40 correspond to Claim 5, and are rejected for the same reasons as Claim 5.

In regard to Claim 6, Pawlan teaches that the system program file input is the Java Development Kit, which is a collection of services and libraries included in the execution environment. Claim 41 corresponds to Claim 6, and is rejected for the same reasons as Claim 6.

In regard to Claim 7, Hawkins teaches that the library file is an archive file (Column 2, lines 1-15 and Column 8, lines 10-12). Claims 32 and 42 correspond to Claim 7, and are rejected for the same reasons as Claim 7.

In regard to Claim 35, Hawkins teaches storing in at least one program unit field every application program unit loaded during execution of a dynamically loaded program. Hawkins teaches tracing and archiving application classes in a library file (Column 8, lines 5-12).

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Hawkins does not explicitly teach storing the pathname of every program unit loaded. However, a pathname is an inherent representation of a program unit file. Hawkins also does not specifically teach storing the pathname of the main unit in the main unit field. However, since the main unit is the first program unit to be run, the class file of the main unit will be the first to be loaded, and hence stored in the main program unit during execution. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store in at least one program unit field every program unit loaded during execution of a dynamically loaded program, where the program unit is stored as a pathname, since a pathname is an inherent representation of a file, and storing a pathname reduces the size of the library file, where the main program unit is stored in the main unit field, since the main program is the first to run, and therefore would be stored in the main unit field.

In regard to Claim 36, Hawkins teaches that all program unit fields are stored within a JAR file, which is an archive file (Column 2, lines 1-15 and Column 8, lines 10-12). A manifest file is an inherent part of a JAR file, and thus would obviously be included in the main unit field.

3. Claims 2-4, 27-29, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (U.S. Patent Number 6,536,035) in view of "JDK 1.2 Roadmap: All Things New with JDK" by Monica Pawlan, March 1998 (hereinafter Pawlan) and further in view of "Special Edition Using Java 2 Platform" by Joseph L. Weber, 1998 (hereinafter Weber).

In regard to Claim 3, Hawkins teaches: (a) loading a program file when referenced during execution (Column 1, lines 48-57); (b) storing each application program file loaded during execution to a library file. Hawkins teaches tracing and archiving application classes in a library file (Column 8, lines 5-12). Hawkins does not teach determining whether execution of said main

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program unit has terminated, however this feature would be obvious, since the method would need to make this determination in order to terminate itself. Claims 28 and 38 correspond to Claim 3, and are rejected for the same reasons as Claim 3.

For specific rejections of Claims 2, 4, 27, and 29, see the office action mailed May 22nd, 2003.

Claims 37 and 39 are apparatus claims correspond to Claims 2 and 4, respectively, and Claims 37 and 39 are rejected for the same reasons as Claim 2 and 4, respectively, where Hawkins teaches an apparatus for carrying out said method of Claims 2 and 4 (Column 6, lines 50-59).

Response to Arguments

3. Applicant's arguments filed September 25th, 2003 have been fully considered but they are not persuasive.

With respect to Claim 1, applicant argues that Hawkins does not distinguish between application program files and system program files loaded during the first execution of the main program unit (Page 15, lines 1-2). Since Claim 1 recites library files containing *only* application program files, Hawkins does not teach Claim 1. Hawkins, however, does teach analyzing, tracing, and archiving application classes in a library file (Column 8, lines 5-12). Note that, Hawkins, in order for "analyzing a running application to trace...within the application" (Column 8, lines 5-6) then certainly application program files and system program files must have been distinguished.

Applicant further argues that the broad conclusory statement provided by the examiner as motivation for combining the Hawkins and Pawlan references is not evidence for the combination (Page 16, lines 15-17). The reason for introducing the Pawlan reference was to show that providing a system program file input is prior art, as well as executing a program using the input, in order to access certain system libraries. The motivation for the combination lies in the fact that Hawkins and Pawlan teach execution of an application using libraries, wherein both references teach different methods of using libraries in an application (Hawkins: Column 3, lines 1-7; Pawlan: Pages 1 and 2).

With regard to Claim 35, the applicant argues that Hawkins does not teach the now amended limitation of “storing in at least one program unit field the pathname of every application program unit” (Page 18, lines 1-3). However, as stated above, Hawkins does teach analyzing, tracing, and archiving application classes in a library file (Column 8, lines 5-12).

With regard to Claim 3, the applicant makes similar arguments regarding the issue of the Hawkins reference not distinguishing between system and application program files. For a response to this argument, please see the response provided to the argument of Claim 1.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style.

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**